

3739

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Assistant Commissioner for Patents,  
Washington, D.C. 20231

PATENT  
Attorney Docket No.: S-9-2

On Feb. 19, 2003

Monika Kafka



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

WOLOSZKO, Jean et al.

Application No.: 09/679,394

Filed: October 3, 2000

For: **APPARATUS FOR TREATMENT OF SPINAL DISORDERS**

Examiner: L. Cohen

Art Unit: 3739

**INFORMATION DISCLOSURE  
STATEMENT UNDER  
37 CFR §1.97 and §1.98**

**RECEIVED**  
MAR 07 2003  
TECHNOLOGY CENTER R3700

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The references cited on attached form PTO-1449 are being called to the attention of the Examiner. A copy of the cited foreign references and other art is enclosed.

It is respectfully requested that the cited information be considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue there from.

Applicant also brings the following information and list of materials to the attention of the Examiner. On February 13, 1998, ArthroCare Corporation filed a lawsuit in the United States District Court for the Northern District of California against defendants Ethicon, Inc., Mitek Surgical Products, Inc., and Gynecare, Inc. alleging infringement of U.S. Patent Nos. 5,697,909, 5,697,536, 5,697,281, and 5,697,882 (the "patents-in-suit"). The case was assigned Case No. C98-00609 WHO. The litigation terminated in June 1999, with the defendants taking a license from ArthroCare under the patents-in-suit. The defendants have paid ArthroCare a license fee, and will pay ongoing royalties on sales in the United States of certain arthroscopy and gynecology products covered by these patents.

Very recently, and after the litigation terminated, applicants were apprised by a third party of section 2001.06(c) of the Manual of Patent Examining Procedure ("MPEP") with respect to the prosecution of applications for patents other than those at issue in the litigation and that were pending

before the litigation was commenced, namely, U.S. Application Nos. 08/807,111 (now U.S. Patent No. 5,891,095), 08/766,382 (now U.S. Patent No. 5,888,198), and 08/760,768 (now U.S. Patent No. 5,766,153).

Having considered MPEP section 2001.06(c) following receipt of the correspondence from the third party, Applicant does not believe that MPEP section 2001.06(c) requires the disclosure of the above-described litigation or any materials related to that litigation in the present application. Applicant further does not believe that MPEP section 2001.06(c) required such disclosure in connection with any other applications that were pending after the litigation commenced. Among other things, the subject matter (*i.e.* the inventions recited in the claims) of this application and the other pending applications was not at issue in the litigation.

Nevertheless, applicant did bring the above-described litigation to the attention of Examiner Mendez during the prosecution of at least U.S. Application Nos. 08/807,111 (now U.S. Patent No. 5,891,095), 08/766,382 (now U.S. Patent No. 5,888,198), and 08/795,686 (now U.S. Patent No. 5,871,469), during a telephone conference relating to those applications. Applicant also submitted the prior art that was principally relied on by the defendants in the litigation to Examiner Mendez during the prosecution of U.S. Application Nos. 08/807,111 (now U.S. Patent No. 5,891,095), 08/766,382 (now U.S. Patent No. 5,888,198), and 08/795,686 (now U.S. Patent No. 5,871,469). Indeed, Applicant withdrew one of those pending applications, U.S. Application No. 08/807,111 from allowance to provide Examiner Mendez with the opportunity to consider those references. Applicant has already submitted that prior art in connection with the present application for the Examiner's consideration.

In addition, Applicant provides the following list of materials from the litigation that reflect defendants' and ArthroCare's primary arguments relating to issues of validity and enforceability.

1. ArthroCare's Complaint For Patent Infringement Of U.S. Letters Patent Nos. 5,697,909; 5,697,281; 5,697,882; and 5,697,536 filed February 13, 1998;
2. Plaintiff ArthroCare's Motion For Preliminary Injunction Against Defendant Ethicon and Mitek, filed March 10, 1998.
3. Answer and Counterclaim Of Defendants Ethicon, Inc., Mitek Surgical Products, Inc., and Gynecare, Inc., filed April 6, 1998;
4. Plaintiff ArthroCare's Motion To Strike Affirmative Defenses And To Strike Defendants' Counterclaim In Part Or, In The Alternative, For a More Definite Statement, filed April 17, 1998;

5. Defendants' Opposition To ArthroCare's Motion To Strike Affirmative Defenses And To Strike Defendants' Counterclaim In Part Or, In The Alternative For A More Definite Statement And Points And Authorities In Support Of Conditional Motion To File An Amended Answer and Counterclaim, filed May 7, 1998;
6. ArthroCare's Reply In Support of Motion To Strike Affirmative Defenses And To Strike Defendants' Counterclaim In Part Or, In The Alternative, For A More Definite Statement, filed May 14, 1998;
7. Memorandum Decision And Order Regarding ArthroCare's Motion To Strike And Defendants' Motion For Leave To File An Amended Answer And Counterclaim, issued June 5, 1998;
8. Amended Answer And Counterclaim of Defendants Ethicon, Inc., Mitek Surgical Products, Inc., and Gynecare, Inc., filed June 22, 1998;
9. ArthroCare's Reply to Defendants' Amended Counterclaim, filed July 6, 1998;
10. ArthroCare's Initial Disclosure Of Asserted Claims Pursuant To Local Rule 16-7, served March 30, 1998;
11. Defendants' Initial Disclosure of Prior Art Pursuant To Local Rule 16-7, served May 26, 1998;
12. Plaintiff ArthroCare's Corporation's Opening Claim Construction Brief, filed May 11, 1998;
13. Ethicon, Inc.'s Claim Construction Brief, filed May 22, 1998;
14. Joint Claim Construction Statement Pursuant To Civil Local Rule 16-11(b)(1) For Claim Construction Hearing, filed May 29, 1998;
15. Plaintiff ArthroCare's Corporation's Reply To Defendants' Claim Construction Brief, filed May 29, 1998;
16. Memorandum Decision And Order Regarding Claim Construction, issued July 6, 1998;
17. Defendants' Petition For Permission To Appeal Pursuant To 28 U.S.C. § 1292(b) filed with the U.S. Court of Appeals for the Federal Circuit on July 16, 1998;
18. Plaintiff's Answer To Defendants' petition For Permission To Appeal Pursuant To 28 U.S.C. § 1292(b), filed July 23, 1998;
19. Federal Circuit's Order On Petition For Permission To Appeal, issued August 20, 1998;
20. Summary Of Defendant Ethicon's Opposition To Plaintiff ArthroCare's Motion For Preliminary Injunction, filed July 23, 1998;
21. Ethicon's Opposition To Plaintiff ArthroCare's Motion For Preliminary Injunction, filed July 23, 1998;
22. Declaration Of John R. LaCourse In Opposition To ArthroCare's Motion For Preliminary Injunction, filed July 23, 1998;

23. Declaration Of Robert D. Tucker Filed In Support Of Ethicon's Opposition To ArthroCare's Motion For Preliminary Injunction, filed July 23, 1998;
24. Declaration Of Robert A. Armitage, Esq., Filed In Support Of Ethicon's Opposition To ArthroCare's Motion For Preliminary Injunction , filed July 23, 1998;
25. Supplemental Declaration Of Robert A. Armitage, Esq., In Support of Ethicon's Opposition To Plaintiff ArthroCare's Motion For Preliminary Injunction, filed August 4, 1998;

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26. ArthroCare's Reply Memorandum In Support Of Motion For Preliminary Injunction, filed August 6, 1998;
27. Declaration Of James Doss In Support Of ArthroCare's Motion For Preliminary Injunction, filed August 6, 1998;
28. Reply Declaration Of Philip E. Eggers In Support Of ArthroCare's Motion For Preliminary Injunction, filed August 6, 1998;
29. Reply Declaration Of John T. Raffle In Support Of ArthroCare's Motion For Preliminary Injunction, filed August 6, 1998;
30. Ethicon's Supplemental Opposition To Plaintiff ArthroCare's Motion For Preliminary Injunction, filed September 3, 1998.
31. Supplemental Declaration Of Robert D. Tucker, Ph.D. M.D., Filed In Support Of Ethicon's Opposition To ArthroCare's Motion For Preliminary Injunction, filed September 3, 1998;
32. Supplemental Declaration Of John R. LaCourse, Ph.D., Filed In Support Of Ethicon's Opposition To ArthroCare's Motion For Preliminary Injunction, filed September 3, 1998;
33. Direct Examination Of Robert D. Tucker, Ph.D., M.D., Filed In Support Of Ethicon's Opposition To ArthroCare's Motion For Preliminary Injunction; filed September 3, 1998;
34. Direct Examination of Robert A. Armitage, Esq., Filed In Support Of Ethicon's Opposition To ArthroCare's Motion For Preliminary Injunction, filed September 3, 1998;
35. Direct Examination of John R. LaCourse, Ph.D., Filed In Support of Ethicon's Opposition To ArthroCare's Motion For Preliminary Injunction, filed September 3, 1998;
36. ArthroCare's Supplemental Memorandum In Response To The Supplemental Declaration Of Robert A. Armitage, filed September 3, 1998;
37. Direct Testimony Of John T. Raffle In Support Of ArthroCare's Motion For Preliminary Injunction, filed September 3, 1998;

38. Direct Testimony Of Philip E. Eggers In Support Of ArthroCare's Motion For Preliminary Injunction, filed September 3, 1998;
39. Joint Statement Regarding Differences Between The Two Translations Of The Elsasser And Roos Article Proffered By Defendants, filed September 22, 1998;
40. Memorandum Decision And Order Regarding Preliminary Injunction Motion, issued December 2, 1998;

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41. Ethicon's Response To ArthroCare's First Set of Interrogatories To Defendant Ethicon, served November 6, 1998;
42. Plaintiff ArthroCare's Response To Defendant Gynecare, Inc.'s First Set Of Interrogatories, served November 10, 1998;
43. Plaintiff ArthroCare's Response To Mitek's First Set Of Interrogatories, served November 10, 1998;
44. Plaintiff ArthroCare's Response To Defendant Ethicon, Inc.'s First Set of Interrogatories, served November 10, 1998;
45. Plaintiff ArthroCare's Objections And Responses To Defendants' First Set Of Requests For Admissions, served January 4, 1999;
46. Plaintiff ArthroCare's Objections and Responses To Defendant Gynecare, Inc.'s Second Set Of Interrogatories, served January 4, 1999;
47. Plaintiff ArthroCare's Supplemental Objections and Responses to Defendants' Request For Admission No. 36, served January 5, 1999;
48. Expert Witness Report of John R. LaCourse, served January 8, 1999;
49. Expert Witness Report of Robert D. Tucker, served January 8, 1999;
50. Expert Witness Report of David J. Parins, served January 8, 1999;
51. Expert Witness Report of Robert A. Armitage, Esq., served January 8, 1999;
52. Expert Witness Report of Massoud Motamed, Ph.D., served January 8, 1999;
53. Expert Witness Report of Ashley J. Welch, Ph.D., served January 8, 1999;
54. Responsive Expert Report of Leslie A. Geddes, Ph.D., served January 29, 1999;
55. Responsive Expert Report of Donald W. Banner served January 29, 1999;
56. Supplemental Expert Report of David J. Parins served February 9, 1999;
57. Ethicon's Motion For Summary Judgment Of Invalidity For Failure To Satisfy The Requirements of 35 U.S.C. §§ 102-103, filed March 5, 1999;

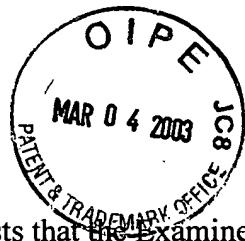
58. Joint Statement Of Uncontested Facts In Support Of Ethicon's Motion For Partial Summary Judgment Of Invalidity Under 35 U.S.C. §§ 102 and 103, filed March 5, 1999;
59. Plaintiff ArthroCare's Opposition To Defendants' Motion For Summary Judgment Of Invalidity Under 35 U.S.C. §§ 102-103, filed March 18, 1999;
60. Ethicon's Reply Memorandum In Support Of Motion For Summary Judgment Of Invalidity Under 35 U.S.C. §§ 102 and 103, filed March 25, 1999;

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61. Ethicon's Motion For Partial Summary Judgment Of Invalidity For Failure To Satisfy The Requirements of 35 U.S.C. § 112, filed March 5, 1999;
62. Joint Statement Of Uncontested Facts In Support of Ethicon's Motion For Partial Summary Judgment For Invalidity For Failure To Satisfy The Requirements Of 35 U.S.C. § 112, filed March 5, 1999;
63. Plaintiff ArthroCare's Opposition To Defendants' Motion For Partial Summary Judgment Of Invalidity For Failure To Satisfy The Requirements Of 35 U.S.C. § 112, filed March 18, 1999;
64. Ethicon's Reply Memorandum In Support Of Motion For Partial Summary Judgment Of Invalidity For Failure To Satisfy The Requirements Of 35 U.S.C. § 112, filed March 25, 1999;
65. Declaration of Leslie A. Geddes, Ph.D., In Support of ArthroCare's Oppositions To Defendants Motions For Partial Summary Judgment, filed March 18, 1999;
66. Plaintiff ArthroCare's Motion For Partial Summary Judgment That Claims Are Not Anticipated Or Rendered Obvious By Certain References, filed March 5, 1999;
67. Ethicon's Opposition To ArthroCare's Motion For Partial Summary Judgment That Claims Are Not Anticipated Or Rendered Obvious By Certain References, filed March 18, 1999;
68. ArthroCare's Reply Brief In Support Of ArthroCare's Motion For Partial Summary Judgment That Claims Are Not Anticipated Or Rendered Obvious By Certain References, filed March 25, 1999;
69. Plaintiff ArthroCare's Motion For Partial Summary Judgment Of No Inequitable Conduct Or, Alternatively, For Bifurcation, filed March 5, 1999;
70. Joint Statement Of Undisputed Facts In Support Of ArthroCare's Motion For Partial Summary Judgment Of No Inequitable Conduct Or, Alternatively, For Bifurcation, filed March 5, 1999;
71. Ethicon's Opposition Of Plaintiff ArthroCare's Motion For Partial Summary Judgment Of No Inequitable Conduct Or Alternatively For Bifurcation, filed March 18, 1999;
72. Declaration of Robert A. Armitage, Esq., In Support Of Defendant Ethicon, Inc.'s Opposition To ArthroCare's Motion For Summary Judgment, filed March 18, 1999;

73. Plaintiff ArthroCare's Reply Brief In Support Of Its Motion For Partial Summary Judgment Of No Inequitable Conduct Or, Alternatively, For Bifurcation, filed March 25, 1999;
74. Plaintiff ArthroCare's Motion For Partial Summary Judgment That Defendants Cannot Prevail On Their Enablement And Written Description Defenses As To Certain Claims, filed March 5, 1999;
75. Joint Statement Of Undisputed Facts In Support Of ArthroCare's Motion For Partial Summary Judgment That Defendants Cannot Prevail Under Enablement And Written Description Defenses As To Certain Claims, filed March 5, 1999;
76. Ethicon's Opposition To ArthroCare's Motion For Partial Summary Judgment That Defendants Cannot Prevail On Their Enablement And Written Description Defenses As To Certain Claims, filed March 18, 1999;
77. ArthroCare's Reply Brief In Support Of ArthroCare's Motion For Partial Summary Judgment That Defendants Cannot Prevail On Their Enablement And Written Description Defenses As To Certain Claims, filed March 25, 1999;
78. Defendants' Trial Brief On The Issues Of Unenforceability And Invalidity Under 35 U.S.C. §§ 102, 103, and 112, filed March 29, 1999;
79. Plaintiff ArthroCare's Trial Brief Re: Validity and Enforceability Of The Patents-In-Suit, filed April 7, 1999;
80. Defendants' Notice Of Prior Art Pursuant To 35 U.S.C. § 282, filed April 9, 1999;
81. April 26, 1999 Letter From Defendants To The Court Regarding Additional Claim Construction Issues;
82. Joint Proposed Jury Instructions For Claims 46, 55, 58, 59, 61, and 62 of U.S. Patent No. 5,697,536;
83. April 30, 1999 Letter From ArthroCare To The Court Regarding Additional Claim Construction Issues;
84. Expedited Motion Of Plaintiff ArthroCare Corporation Regarding Joint Jury Instructions, filed May 13, 1999;

In addition to the above-listed materials, there are numerous other papers that were filed with the Court in connection with the above-referenced litigation. Furthermore, depositions were taken of numerous witnesses regarding validity and enforceability issues. If the Examiner desires, Applicant will submit any or all of the listed material, the other papers filed with the court, and/or transcripts of depositions to the Examiner for consideration. Applicant will also provide any additional information that the Examiner desires about the litigation or the materials described herein.



Applicant respectfully requests that the Examiner advise Applicant in writing whether he wishes any additional information about the litigation or any of the litigation-related materials described herein or wishes Applicant to submit any materials to the Examiner for consideration.

The following is a list of co-pending applications, including this application, relating to the technology covered by this application:

Application No.	Filing Date
09/026,852	20-Feb-1998
09/041,934	13-Mar-1998
09/258,516	26-Feb-1999
09/539,147	30-Mar-2000
09/709,035	08-Nov-2000
09/758,403	10-Jan-2001
09/766,168	19-Jan-2001
09/836,940	17-Apr-2001
09/134,542	13-Aug-1998
09/262,281	04-Mar-1999
09/314,247	18-May-1999
09/438,592	12-Nov-1999
09/273,612	22-Mar-1999
09/360,075	23-Jul-1999
09/197,013	20-Nov-1998
09/629,251	27-Jul-2000
09/372,454	11-Aug-1999
09/845,034	27-Apr-2001
09/570,394	12-May-2000
09/501,327	09-Feb-2000
09/771,299	25-Jan-2001
09/054,660	03-Apr-1998
09/338,842	23-Jun-1999
09/347,390	06-Jul-1999
09/062,869	20-Apr-1998
09/735,426	12-Dec-2000
09/354,835	16-Jul-1999
09/477,832	05-Jan-2000
60/299,094	18-Jun-2001
09/457,201	06-Dec-1999
09/586,295	02-Jun-2000
09/314,611	19-May-1999
09/361,674	27-Jul-1999
09/791,504	22-Feb-2001
09/293,231	16-Apr-1999
09/313,956	18-May-1999
09/718,160	20-Nov-2000
60/276,863	16-Mar-2001
09/464,884	16-Dec-1999
09/162,110	28-Sep-1998
09/562,650	01-May-2000
09/774,448	30-Jan-2001

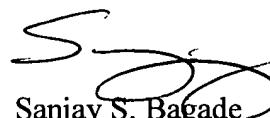
Application No.	Filing Date
09/482,141	12-Jan-2000
09/480,880	10-Jan-2000
09/562,496	01-May-2000
09/776,799	05-Feb-2001
09/839,427	20-Apr-2001
09/780,745	09-Feb-2001
60/304,297	09-Jul-2001
09/571,343	16-May-2000
09/412,103	04-Oct-1999
09/860,662	18-May-2001
09/026,698	20-Feb-1998
09/512,742	24-Feb-2000
09/848,843	03-May-2001
09/665,441	19-Sep-2000
09/765,832	19-Jan-2001
09/708,962	08-Nov-2000
09/689,264	11-Oct-2000
09/676,194	28-Sep-2000
09/747,311	20-Dec-2000
09/679,394	03-Oct-2000
60/299,082	18-Jun-2001
60/299,095	18-Jun-2001
09/796,094	28-Feb-2001
10/187,733	27-Jun-2002
10/072,599	05-Feb-2002
10/139,154	03-May-2002
10/139,117	03-May-2002
10/097,763	13-Mar-2002
09/276,863	16-Mar-2001
10/135,478	30-Apr-2002
10/119,925	09-Apr-2002
09/963,736	26-Sep-2001
10/057,412	25-Jan-2002
10/082,017	20-Feb-2002
09/860,662	18-May-2001
10/175,555	18-Jun-2002
10/175,472	18-Jun-2002
09/848,843	03-May-2001

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This IDS is being filed after the mailing date of the first Office Action and after three months of the filing date, but prior to the Notice of Allowance or Final Office Action. The Commissioner is authorized to charge the fee to Deposit Account No. 50-0359. Please charge any additional fees or credit any overpayment to the above-noted deposit account.

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Respectfully submitted,

 S. S. B. J.  
Sanjay S. Bagade  
Reg. No. 42,280

ArthroCare Corporation  
680 Vaqueros Ave.  
Sunnyvale, CA 94085-3523  
(408) 736-0224

FORM PTO-1449 (Modified)

LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S INFORMATION DISCLOSURE  
STATEMENT  
(Use several sheets if necessary)

MAR 04 2003

JCG

Attorney Docket No.

S-9-2

Application No.:

09/679,394

Applicant: WOLOSZKO, Jean et al.

Filing Date: October 3, 2000 Group: 3739

## Reference Designation

## U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Class	Sub-class	Filing Date
AA	4,682,596	07/28/1987	Bales et al.	128	303	
AB	5,569,242	10/29/96	Lax et al.	606	42	
AC	5,514,130	05/07/96	Baker	606	41	
AD	5,078,717	01/07/92	Parins et al.	606	48	
AE	5,267,994	12/07/93	Gentelia et al.	606	15	
AF	5,273,524	12/28/93	Fox et al.	604	21	
AG	5,300,069	04/05/94	Hunsberger et al.	606	37	
AH	5,334,140	08/02/94	Philips	604	35	
AI	5,336,220	08/09/94	Ryan et al.	604	22	
AJ	5,342,357	08/30/94	Nardella	606	40	
AK	5,312,400	05/17/94	Bales et al.	606	41	

## FOREIGN PATENT DOCUMENTS

	Document No.	Date	Country	Class	Sub-class	Translation (yes/no)
AL	94/08654	04/28/94	WIPO	A61M	37/00	
AM	92/21278	12/10/92	WIPO	A61B	5/04	
AN	97/00647	01/09/97	WIPO	A61B	17/39	
AO	97/00646	01/09/97	WIPO	A61B	17/39	
AP	EP 0 703 461	03/27/96	Europe	G01R	27/02	
AQ	EP 0 754 437	01/22/97	Europe	A61B	17/39	
AR	93/20747	10/28/93	WIPO	A61B	5/00	

## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AS	✓ Pearce, John A. (1986) <i>Electrosurgery</i> , pgs. 17, 69-75, 87, John Wiley & Sons, New York.
AT	Costello, A. J. et al. "Nd:YAG Laser Ablation of the Prostate as a Treatment of Benign Prostatic Hypertrophy," (1992) <i>LASERS IN SURGER AND MEDICINE</i> 12:121-124.
AU	✓ J.W. Ramsey et al. <i>Urological Research</i> Vol. 13, pp. 99-102 (1985).

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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FORM PTO-1449 (Modified)

LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S INFORMATION DISCLOSURE  
STATEMENT  
(Use several sheets if necessary)

MAR 04 2003

JC8

Attorney Docket No.

S-9-2

Application No.:

09/679,394

Applicant: WOLOSZKO, Jean et al.

Filing Date:  
October 3, 2000

Group: 3739

Reference Designation

## U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Class	Sub-class	Filing Date
AV	4,998,933	03/12/91	Eggers et al.	606	41	
AW	5,178,620	01/12/93	Eggers et al.	606	41	
AX	5,366,443	11/22/94	Eggers et al.	604	114	
AY	5,419,767	05/30/95	Eggers et al.	604	114	
AZ	5,697,281	12/16/97	Eggers et al.	604	114	
BA	5,697,882	12/16/97	Eggers et al.	604	114	
BB	5,697,909	12/16/97	Eggers et al.	604	114	
BC	5,277,201	01/11/94	Stern	607	98	
BD	4,931,047	06/05/90	Broadwin et al.	604	22	
BE	4,593,691	06/10/86	Lindstrom et al.	128	303	
BF	5,380,277	01/10/95	Phillips	604	33	

## FOREIGN PATENT DOCUMENTS

	Document No.	Date	Country	Class	Sub-class	Translation (yes/no)
BG	2 327 350	01/27/99	UK	A61B	17/39	
BH	2 327 351	01/27/99	UK	A61B	17/39	
BI	2 327 352	01/27/99	UK	A61B	17/39	
BJ	97/48345	12/24/97	WIPO	A61B	17/39	
BK	98/27880	07/02/98	WIPO	A61B	17/39	

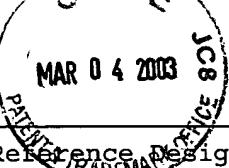
## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

BL	V.E. Elsasser et al. Acta Medicotechnica Vol. 24, No. 4, pp. 129-134 (1976).
BM	P.C. Nardella (1989) SPIE 1068:42-49 Radio Frequency Energy and Impedance Feedback
BN	Rand et al. (1985) J. Arthro. Surg. 1:242-246 Effect of Electrocautery on Fresh Human Articular Cartilage

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 (Modified)		Attorney Docket No.	Application No.:			
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		S-9-2	09/679,394			
		Applicant: WOLOSZKO, Jean et al.				
		Filing Date: October 3, 2000		Group: 3739		
Reference Designation		U.S. PATENT DOCUMENTS				
Examiner Initial	Document No.	Date	Name	Class	Sub-class	Filing Date
BO	5,725,524	03/10/98	Mulier et al.	606	41	TECHNOLOGY CENTER R3700
BP	5,609,151	03/11/97	Mulier et al.	128	642	
BQ	4,043,342	08/23/97	Morrison, Jr.	128	303	
BR	4,184,492	01/22/80	Meinke et al.	128	303	
BS	4,228,800	10/21/80	Degler, Jr. et al.	128	303	
BT	4,248,231	02/03/81	Herczog et al.	128	303	
BU	4,326,529	04/27/82	Doss et al.	128	303	
BV	4,381,007	04/26/83	Doss	128	303	
BW	4,476,862	10/16/84	Pao	128	303	
BX	4,706,667	11/17/87	Roos	128	303	
BY	5,584,872	12/17/96	LaFontaine et al.	607	117	
BZ	5,676,693	10/14/97	LaFontaine et al.	607	116	
CA	5,009,656	04/23/91	Reimels	606	48	
FOREIGN PATENT DOCUMENTS						
	Document No.	Date	Country	Class	Sub-class	Translation (yes/no)
CB ✓	W095/34259	12/21/95	WIPO	A61F	5/48	
CC ✓	0 740 926 A2	11/06/96	EP	A61B	17/39	
CD ✓	57-57802	04/05/82	JP	A61B	1/00	
CE ✓	WO 90/07303	07/12/90	WIPO	A61B	17/39	
CF ✓	WO 94/04220	03.03.94	WIPO	yes	A61N	1/06
CG ✓	WO 93/13816	07/22/93	WIPO	A61B	17/36	
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)						
CH ✓	Buchelt, M. et al. "Excimer Laser Ablation of Fibrocartilage: An In Vitro and In Vivo Study," (1991) LASERS IN SURGERY AND MEDICINE 11:271-279.					
CI ✓	R. Tucker et al., Abstract P14-11, p. 248, "A Bipolar Electrosurgical Turp Loop"					
CJ ✓	R. Tucker et al. J. of Urology Vol. 141, pp. 662-665, (1989)..					
EXAMINER		DATE CONSIDERED				

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LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S INFORMATION DISCLOSURE  
STATEMENT  
(Use several sheets if necessary)

MAR 04 2003 JC8

Attorney Docket No.

S-9-2

Application No.:

09/679,394

Applicant: WOLOSZKO, Jean et al.

Filing Date:  
October 3, 2000

Group: 3739

Reference Designation

## U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Class	Sub-class	Filing Date
CK	5,370,675	12/06/94	Edwards et al.	607	101	
CL	5,383,917	01/24/95	Desai et al.	607	702	
CM	5,417,687	05/23/95	Nardella et al.	606	32	
CN	4,232,676	11/11/80	Herczog	128	303	
CO	4,033,351	07/05/77	Hetzl	128	303	
CP	4,567,890	02/04/86	Ohta et al.	128	303	
CQ	5,112,330	05/12/92	Nishigaki et al.	606	46	
CR	5,843,019	12/01/98	Eggers et al.	604	22	
CS	5,871,469	02/16/99	Eggers et al.	604	114	
CT	5,007,908	04/16/91	Rydell	606	47	
CU	5,080,660	01/14/92	Buelna	606	45	

## FOREIGN PATENT DOCUMENTS

	Document No.	Date	Country	Class	Sub-class	Translation (yes/no)
CV	97/24073 ✓	07/10/97	WIPO	A61B	17/39	
CW	97/24993 ✓	07/17/97	WIPO	A61B	17/39	
CX	97/24994 ✓	07/17/97	WIPO	A61B	17/39	
CY	97/48346 ✓	12/24/97	WIPO	A61B	17/39	
CZ	96/00042 ✓	01/04/96	WIPO	A61B	17/39	

## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

DA	R. Tucker et al. <i>Urological Research</i> Vol. 18, pp. 291-294 (1990).
DB ✓	Kramolowsky et al. <i>J. of Urology</i> Vol. 143, pp. 275-277 (1990).
DC ✓	Kramolowsky et al. <i>J. of Urology</i> Vol. 146, pp. 669-674 (1991).

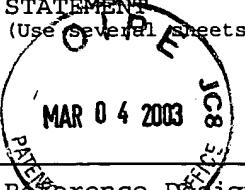
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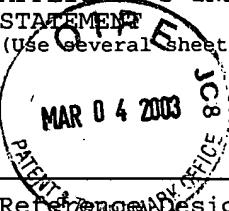
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TECHNOLOGY CENTER R3700

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FORM PTO-1449 (Modified)		Attorney Docket No.		Application No.:		
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		S-9-2		09/679,394		
		Applicant: WOLOSZKO, Jean et al.				
		Filing Date: October 3, 2000		Group: 3739		
Reference Designation		U.S. PATENT DOCUMENTS				
Examiner Initial	Document No.	Date	Name	Class	Sub-class	
DD	5,192,280	03/09/93	Parins	606	48	
DE	5,662,680	09/02/97	Desai	606	210	
DF	5,249,585	10/05/93	Turner et al.	607	99	
DG	5,190,517	03/02/93	Zieve et al.	604	22	
DH	5,366,443	11/22/94	Eggers et al.	604	114	
DI	5,330,470	07/19/94	Hagen	606	42	
DJ	5,647,869	07/15/97	Goble et al.	606	37	
DK	4,040,426	08/09/77	Morrison, Jr.	128	303	
DL	4,116,198	09/26/78	Roos	128	303	
DM	4,548,207	10/22/85	Reimels	128	303	
DN	4,823,791	04/25/89	D'Amelio et al.	123	303	
DO	5,098,431	03/24/92	Rydell	606	48	
DP	5,108,391	04/28/92	Flachenecker et al.	606	38	
DQ	5,122,138	06/16/92	Manwaring	606	46	
FOREIGN PATENT DOCUMENTS						
	Document No.	Date	Country	Class	Sub-class	Translation (yes/no)
DR	98/07468 ✓	02/26/98	WIPO	A61N	1/40	
DS	2 308 981 ✓	07/16/97	GB	A61B	17/36	
DT	2 308 980 ✓	07/16/97	GB	A61B	17/36	
DU	2 308 979 ✓	07/16/97	GB	A61B	17/36	
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)						
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FQRM PTO-1449 (Modified)			Attorney Docket No.	Application No.:		
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			Applicant: WOLOSZKO, Jean et al.			
			Filing Date: October 3, 2000	Group: 3739		
Reference No. / Designation		U.S. PATENT DOCUMENTS				
Examiner Initial	Document No.	Date	Name	Class	Sub-class	Filing Date
___ DV	5,217,457	06/08/93	Delahuerga et al.	606	42	<b>RECEIVED</b> <b>TECHNOLOGY CENTER</b> <b>R3700</b> <b>MAR 07 2003</b>
___ DW	4,240,441	12/23/80	Khalil	128	692	
___ DX	5,197,963	03/30/93	Parins	606	46	
___ DY	5,944,715	08/31/99	Goble et al.	606	41	
___ DZ	5,383,876	01/24/95	Nardella	606	49	
___ EA	5,395,312	03/07/95	Desai	604	22	
___ EB	5,057,106	10/15/91	Kasevich et al.	606	33	
___ EC	4,860,752	08/29/89	Turner	128	422	
___ ED	5,290,282	03/01/94	Casscells	606	29	
___ EE	5,314,406	05/24/94	Arias et al.	604	21	
___ EF	5,324,254	06/28/94	Phillips	604	21	
___ EG	5,267,997	12/07/93	Farin et al.	606	38	
___ EH	5,334,183	08/02/94	Wuchinich	606	46	
___ EI	4,967,765	11/06/90	Turner et al.	128	785	
FOREIGN PATENT DOCUMENTS						
	Document No.	Date	Country	Class	Sub-class	Translation (yes/no)
___ EJ	98/27879	07/02/98	WIPO	A61B	17/36	
___ EK	57-117843 ✓	07/22/82	JP	A61B	17/39	
___ EL	99/51158 ✓	10/14/99	WIPO	A61B	17/39	
___ EM	99/51155 ✓	10/14/99	WIPO	A61B	17/36	
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)						
___ EN ✓	Slager et al. Z. Kardiol. 76:Suppl. 6, 67-71 (1987).					
___ EO ✓	Slager et al. JACC 5(6):1382-6 (1985).					
___ EP ✓	A.K. Dobbie Bio-Medical Engineering. Vol. 4, pp. 206-216 (1969).					
EXAMINER		DATE CONSIDERED				

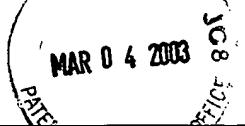
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Reference Designation			U.S. PATENT DOCUMENTS			
Examiner Initial	Document No.	Date	Name	Class	Sub-class	Filing Date
EQ	4,936,301	06/26/90	Rexroth et al.	606	45	RECEIVED MAR 07 2003 TECHNOLOGY CENTER 3700
ER	4,943,290	07/24/90	Rexroth et al.	606	45	
ES	4,979,948	12/25/90	Geddes et al.	606	33	
ET	5,195,959	03/23/93	Smith	604	34	
EU	5,281,216	01/25/94	Kliceck	606	42	
EV	4,202,337	05/13/80	Hren et al.	128	303	
EW	5,083,565	01/28/92	Parins	128	642	
EX	4,674,499	06/23/87	Pao	128	303	
EY	5,807,395	09/15/98	Mulier et al.	606	41	
EZ	5,700,262	12/23/97	Acosta et al.	606	48	
FA	5,441,499	08/15/95	Fritzsch	606	45	
FB	5,035,696	07/30/91	Rydell	606	47	
FC	5,749,869	05/12/98	Lindenmeier et al.	606	34	
FOREIGN PATENT DOCUMENTS						
	Document No.	Date	Country	Class	Sub-class	Translation (yes/no)
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)						
FD	W. Honig IEEE pp. 58-65 (1975)					
FE	M.B. Dennis et al. <i>Digestive Diseases and Sciences</i> Vol. 24(11), pp. 845-848 (1979).					
FF	K. Barry et al. <i>American Heart Journal</i> Vol. 117, pp. 332-341 (1982).					
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			Applicant: WOLOSZKO, Jean et al.			
			Filing Date: October 3, 2000		Group: 3739	
Reference Designation		U.S. PATENT DOCUMENTS				
Examiner Initial	Document No.	Date	Name	Class	Sub-class	Filing Date
FG	4,976,711	12/11/90	Parins et al.	606	48	RECEIVED TECHNOLOGY CENTER MAR 07 2003 R370
FH	4,765,331	08/23/88	Petruzzi et al.	128	303	
FI	5,057,105	10/15/91	Malone et al.	606	28	
FJ	4,532,924	08/06/85	Auth et al.	128	303	
FK	5,454,809	10/03/95	Janssen	606	41	
FL	4,709,698	12/01/87	Johnston et al.	128	303	
FM	2,050,904	08/11/96	Trice			
FN	4,955,377	09/11/90	Lennox et al.	128	401	
FO	5,125,928	06/30/92	Parins et al.	606	48	
FP	5,281,218	01/25/94	Imran	606	41	
FOREIGN PATENT DOCUMENTS						
	Document No.	Date	Country	Class	Sub-class	Translation (yes/no)
FQ	WO 97/24074	07/10/97	WIPO	A61B	17/39	
FR	2313949	01/07/77	France	A61N	3/02	
FS	90/03152	04/05/90	WIPO	A61B	17/39	
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)						
FT	C.P. Swain Gut Vol. 25, pp. 1424-1431 (1984).					
FU	B. Lee et al. JACC Vol. 13(5), pp. 1167-1175 (1989).					
FV	Piercey et al. Gastroenterology Vol. 74(3), pp. 527-534 (1978).					
	Olsen MD, Bipolar Laparoscopic Cholecstectomy Lecture (marked confidential), 10/07/91					
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FQFORM PTO-1449 (Modified)			Attorney Docket No.	Application No.:		
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)			S-9-2	09/679,394		
			Applicant: WOLOSZKO, Jean et al.			
			Filing Date: October 3, 2000	Group: 3739		
<b>Reference Assignment</b> <b>U.S. PATENT DOCUMENTS</b>						
Examiner Initial	Document No.	Date	Name	Class	Sub-class	Filing Date
FW	5,681,282	10/28/97	Eggers et al.	604	114	  <b>RECEIVED</b> <b>MAR 07 2003</b>
FX	5,697,536	12/16/97	Eggers et al.	604	114	
FY	5,766,153	06/16/98	Eggers et al.	604	114	
FZ	5,810,764	09/22/98	Eggers et al.	604	23	
GA	5,683,366	11/04/97	Eggers et al.	604	114	
GB	5,496,312	03/05/96	Kliceck	606	34	
GC	5,810,809	09/22/98	Rydell	606	49	
GD	5,800,431	09/01/98	Brown	606	42	
GE	5,885,277	03/23/99	Korth	606	35	
GF	4,727,874	03/01/88	Bowers et al.	128	303	
GG	5,318,563	06/07/94	Malis et al.	606	38	
GH	5,556,397	09/17/96	Long et al.	606	48	
GI	5,897,553	04/27/99	Mulier	606	41	
GJ	6,168,593	01/02/01	Sharkey et al.	606	34	
GK	6,126,682	10/03/00	Sharkey et al.	607	96	
FOREIGN PATENT DOCUMENTS						
	Document No.	Date	Country	Class	Sub-class	Translation (yes/no)
GL	3930451	03/21/91	Germany	A61B	17/39	
<b>OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
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PATENTS & TRADEMARKS

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## U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Class	Sub-class	Filing Date
GM	6,013,076	01/11/00	Goble et al.	606	41	
GN	6,015,406	01/18/00	Goble et al.	606	41	
GO	6,027,501	02/22/00	Goble et al.	606	41	
GP	6,004,319	12/21/99	Goble et al.	606	48	
GQ	6,039,734	03/21/00	Goble et al.	606	41	
GR	6,056,746	05/02/00	Goble et al.	606	48	
GS	6,093,186	07/25/00	Goble et al.	606	34	
GT	6,074,386	06/13/00	Goble et al.	606	34	
GU	6,090,106	07/18/00	Goble et al.	606	41	
GV	6,068,628	05/30/00	Fanton et al.	606	41	
GW	5,436,566	07/25/95	Thompson et al.	324	713	
GX	5,092,339	03/03/92	Geddes et al.	128	692	
GY	5,438,302	08/01/95	Goble	331	167	
GZ	6,228,081	05/08/01	Goble	606	34	
HA	6,306,134	10/23/01	Goble et al.	606	42	
HB	6,261,286	07/17/01	Goble et al.	606	34	
HC	6,293,942	09/25/01	Goble et al.	606	38	
HD	5,451,224	09/19/95	Goble et al.	606	48	
HE	5,423,810	06/13/95	Goble et al.	606	40	
HF	5,099,840	03/31/92	Goble	128	422	

## FOREIGN PATENT DOCUMENTS

	Document No.	Date	Country	Class	Sub-class	Translation?

## OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)


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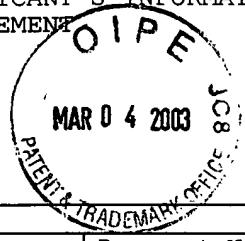
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FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT			Attorney Docket No.  S-9-2	Application No.:  09/679,394		
			Applicant: WOLOSZKO, Jean et al.			
			Filing Date: October 3, 2000		Group: 3739	
<b>U. S. PATENT DOCUMENTS</b>						
Examiner Initial	Document No.	Date	Name	Class	Sub-class	Filing Date
— HG	2,056,377	10/06/36	Wappler	125	303	
— HH	3,815,604	06/11/74	O'Malley et al.	128	305	
— HI	3,828,780	08/13/74	Morrison, Jr.	128	275	
— HJ	3,901,242	08/26/75	Storz	128	303	
— HK	3,920,021	11/18/75	Hiltebrandt	128	303	
— HL	3,939,839	02/24/76	Curtiss	128	303	
— HM	3,970,088	07/20/76	Morrison	128	303	
— HN	4,074,718	02/21/78	Morrison, Jr	128	303	
— HO	4,181,131	01/01/80	Ogiu	128	303	
— HP	4,590,934	05/27/86	Malis et al.	128	303	
— HQ	4,660,571	04/28/87	Hess et al.	128	784	
— HR	4,785,823	11/22/88	Eggers et al.	128	692	
— HS	4,805,616	02/21/89	Pao	128	303	
— HT	4,920,978	05/01/90	Colvin	128	784	
— HU	4,832,048	05/23/89	Cohen	128	786	
— HV	4,936,281	06/26/90	Stasz	128	660	
— HW	4,966,597	10/30/90	Cosman	606	50	
— HX	5,047,026	09/10/91	Rydell	606	48	
— HY	5,047,027	09/10/91	Rydell	606	48	
— HZ	5,084,044	01/28/92	Quint	606	27	
<b>FOREIGN PATENT DOCUMENTS</b>						
	Document No.	Date	Country	Class	Sub-class	Translation?
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						Yes
<b>OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)</b>						
EXAMINER		DATE CONSIDERED				

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U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Class	Sub-class	Filing Date
IA	5,085,659	02/04/92	Rydell	606	47	
IB	5,088,997	02/18/92	Delahuerga et al.	606	42	
IC	5,167,659	12/01/92	Ohtomo et al.	606	40	
ID	5,171,311	12/15/92	Rydell et al.	606	48	
IE	5,207,675	05/04/93	Canady	606	40	
IF	5,217,459	06/08/93	Kamerling	606	48	
IG	5,306,238	04/26/94	Fleenor	606	42	
IH	5,423,882	06/13/95	Jackman et al.	607	122	
II	5,888,198	03/30/99	Eggers et al.	604	114	
IJ	5,891,095	03/30/99	Eggers et al.	604	114	
IK	5,902,272	05/11/99	Eggers et al.	604	114	
IL	6,066,134	05/23/00	Eggers et al.	606	32	
IM	6,149,620	11/21/00	Baker et al.	604	22	
IN	6,159,194	12/12/00	Eggers et al.	604	500	
IO	6,159,208	12/12/00	Hovda et al.	606	41	
IP	6,179,836	01/30/01	Eggers et al.	606	45	
IQ	6,190,381	02/20/01	Olsen et al.	606	32	
IR	6,203,542	03/20/01	Ellsberry et al.	606	41	
IS	6,224,592	05/01/01	Eggers et al.	606	32	
IT	6,235,020	05/22/01	Cheng et al.	606	34	
IU	6,238,391	05/29/01	Olsen et al.	606	41	

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FORM PTO-1449 (Modified)  
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MAR 04 2003  
PATENT & TRADEMARK OFFICE

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U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Class	Sub-class	Filing Date
— IW	6,254,600	07/03/01	Willink et al.	606	41	
— IX	6,264,652	07/24/01	Eggers et al.	606	41	
— IY	6,296,636	10/02/01	Cheng et al.	606	32	
— IZ	6,296,638	10/02/01	Davison et al.	606	41	
— JA	6,312,408	11/06/01	Eggers et al.	604	114	
— JB	4,092,986	06/06/78	Schneiderman	128	303	
— JC	6,322,549	11/27/01	Eggers et al.	604	500	
— JD	6,355,032	03/12/02	Hovda et al.	606	32	
— JE	6,363,937	04/02/02	Hovda et al.	128	898	
— JF	6,379,351	04/30/02	Thapliyal et al.	606	41	
— JG	6,391,025	05/21/02	Weinstein et al.	606	41	
— JH	6,416,507	07/09/02	Eggers et al.	606	32	
— JI	6,416,508	07/09/02	Eggers et al.	606	32	
— JJ	6,432,103	08/13/02	Ellsberry et al.	606	41	

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Application No.:

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Applicant: WOLOSZKO, Jean et al.

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Group: 3739

## U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Class	Sub-class	Filing Date

## FOREIGN PATENT DOCUMENTS

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